



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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November 2, 2018

By Electronic Mail and ECF

Hon. Sarah Netburn
U.S. Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn:

At the October 12, 2018 conference held in the above-referenced case, counsel for the government informed the Court that the Federal Bureau of Investigation ("FBI") was prepared to produce documents in response to the Plaintiffs' Executive Committees' ("PECs") *Touhy* request and subpoena, beginning in mid-November, subject to the understanding that the documents would be subject to an attorney's eyes only protective order. The Court ordered that the FBI and PECs meet and confer on the terms of a protective order that would govern the production of FBI records. The Court further ordered that the PECs and the FBI should jointly submit a proposed order to the Court by November 2, if the parties were able to resolve the terms of such an order.

The PECs and the FBI have succeeded in reaching an agreement on the terms of the proposed protective order. A copy of the proposed order is attached. The PECs and the FBI respectfully request that the Court enter the proposed order. The FBI will not be in a position to make any productions until the protective order is in place.

During this process, the FBI also shared the proposed draft with counsel for defendants the Kingdom of Saudi Arabia and Dallah Avco, and have made revisions to the protective order to address concerns raised by those defendants. It is our understanding that Dallah Avco nonetheless currently intends to file an objection to the proposed protective order. Should such an objection be filed, the PECs and the FBI intend to separately respond within three business days, by November 7, 2018.

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Very truly yours,

GEOFFREY S. BERMAN
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By: /s/ Jeannette A. Vargas

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